

AD-10
Ct No.09
05.03.2024
TN

WPA No. 26331 of 2023

Tata Capital Housing Finance Limited and another
Vs.
State of West Bengal and others

Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh,
Ms. Indrani Majumder

.... for the petitioners

- 1.** Learned counsel for the petitioner no.1-financial company submits that the application of the petitioners under Section 14 of the SARFAESI Act, 2002 has been kept pending inordinately by the concerned District Magistrate, that is, the respondent no.2 herein. It transpires from the affidavit-of-service, which is filed today and kept on record, that sufficient attempts have been made by the petitioners to serve the private respondents, both by registered post and via e-mail. Although the registered post service appears to be unsatisfactory, the e-mail service effected by the petitioners has not bounced back, thereby signifying presumption of good service.
- 2.** Accordingly, the matter is taken up for hearing.
- 3.** As the application of the petitioners has been kept pending beyond the statutory period as long as from July 26, 2022, WPA No. 26331 of 2023 is allowed, thereby directing the respondent no.2, the District Magistrate, Barasat to dispose of the petitioners'

application under Section 14 of the SARFAESI Act, 2002 as expeditiously as possible, positively within four weeks from the date of communication of this order to the respondent no.2 by acting on a server copy of this order.

- 4.** There will be no order as to costs.
- 5.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)